

NEWS

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Former Federal Air Marshal Sentenced for Making False Statements on His Background Questionnaire

(More)

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CAMDEN, N.J. – A former federal Air Marshal was sentenced to three years of probation today on one count of making materially false and fraudulent statements on questionnaires used in background investigations for federal security clearance approval, U.S. Attorney Christopher J. Christie announced.

U.S. District Judge Robert B. Kugler also ordered Melvin Ferguson, 43, of Minneapolis, Minn., to pay a \$2,000 fine and barred him from future employment in the law enforcement field.

Ferguson pleaded guilty on Sept. 27, 2006, before judge Kugler to a one-count Superseding Information. At his plea hearing, Ferguson admitted that in April 2002 he submitted an application for a position as a Federal Air Marshal (FAM). Ferguson admitted that as part of his application he completed Government Form SF-86, entitled “Questionnaire for National Security Positions.” On April 9, 2002, Ferguson arrived at the FAA/TSA center in Atlantic County to attend an assessment interview for a position as a FAM.

Ferguson admitted that he failed to disclose to TSA, on the Form SF-86 and during the assessment interview, that between January 1996 and February 1998 he was employed by the Royal Bahamas Police Department. He also failed to disclose that between November 1999 and September 2000 he was employed by Northwestern Airlines as a flight attendant and that he was employed as a Security Coordinator for the United States Department of State, U.S. Embassy in the Bahamas between September 2000 and February 2001.

Based upon Ferguson’s false and fraudulent statements and representations during the interview and on the application, TSA hired the defendant as a provisional FAM, pending a full background check. Ferguson was then assigned to the FAM Chicago Field Office in May 2002. On June 27, 2002, FAM Chicago Field Office was notified that defendant was denied a United States Passport because of an outstanding credit debt, which Ferguson failed to disclose to TSA.

On Jan. 31, 2006, Ferguson surrendered himself to Special Agents of the U.S. Department of Homeland Security, Transportation and Security Administration (TSA), Office of Internal Affairs and Program Review and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

In determining an actual sentence, Judge Kugler consulted the advisory U.S. Sentencing Guidelines, which provide appropriate sentencing ranges that take into account the severity and characteristics of the offense, the defendant's criminal history, if any, and other factors. The judge, however, is not bound by those guidelines in determining a sentence.

Parole has been abolished in the federal system. Defendants who are given custodial terms must serve nearly all that time.

Christie credited Special Agents of the U.S. Department of Homeland Security, Transportation Security Administration, Office of Internal Affairs and Program Review, under the direction of Special Agent in Charge Ron Fanelli of the Philadelphia Field Office; and the ATF St. Paul Field Division, under the direction of Special Agent in Charge Bernard J. Zapor, with the investigation leading to the Indictment.

The Government is represented by Assistant U.S. Attorney Jason Richardson of the Criminal Division in Camden.

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Defense Attorney: Lisa E. Lewis, Esq. Asst. Fed. Public Defender